



CITY OF SANTA BARBARA CITY COUNCIL MINUTES

REGULAR MEETING June 17, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET

CALL TO ORDER

Mayor Marty Blum called the meeting to order at 2:00 p.m. (The Ordinance Committee met at 12:00 p.m., and the Finance Committee met at 12:30 p.m.)

PLEDGE OF ALLEGIANCE

Mayor Blum.

ROLL CALL

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Grant House, Helene Schneider, Das Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator James L. Armstrong, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

CEREMONIAL ITEMS

1. Subject: Proclamation Declaring June 19, 2008, As National "Dump The Pump" Day (120.04)

Action: Proclamation presented to Sherrie Fisher, General Manager of the Santa Barbara Metropolitan Transit District.

PUBLIC COMMENT

Speakers: Hans Kistner, Bret Alan Hughes, David Wass, Floyd Meyer, Mr. Pennington, Phil Walker, and Imelda Loza.

CONSENT CALENDAR (Item Nos. 2 - 11)

The titles of the ordinance and resolutions related to Consent Calendar items were read.

Motion:

Councilmembers Horton/Falcone to approve the Consent Calendar as recommended.

Vote:

Unanimous roll call vote.

2. Subject: Minutes

Recommendation: That Council waive the reading and approve the minutes of the regular meeting of June 3, 2008.

Action: Approved the recommendation.

3. Subject: Adoption Of Ordinance For Mooring Lease Agreement With Voyage Partners, LLC (330.04)

Recommendation: That Council adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Approving a Five-Year Lease, with One Five-Year Option, Effective July 17, 2008, for the 2,520 Square-Foot Berth Area Located at Marina 4-B, at an Initial Monthly Rent of \$1,666.66 per Month.

Action: Approved the recommendation; Ordinance No. 5455; Agreement No. 22,840.

4. Subject: Records Destruction For The Police Department (160.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Relating to the Destruction of Records Held by the Police Department in the Business Office, Parking Enforcement, Internal Affairs and the Records Bureau.

Action: Approved the recommendation; Resolution No. 08-046 (June 17, 2008, report from the Chief of Police; proposed resolution).

5. Subject: Appropriation Of Funds For The Council On Alcoholism And Drug Abuse "Kids Fight Drugs" Calendar Program (520.04)

Recommendation: That Council appropriate \$9,118 from Asset Forfeiture Funds to pay to the Council on Alcoholism and Drug Abuse for the City of Santa Barbara's share of the expense for the "Kids Fight Drugs" Calendar Program for 2008.

(Cont'd)

5. (Cont'd)

Action: Approved the recommendation (June 17, 2008, report from the Chief of Police).

6. Subject: Approval Of Expedited Purchasing Process For Marina One Firewater System (570.03)

Recommendation: That Council retroactively approve the issuance of an expedited public bidding process and emergency purchase order in the amount of \$73,489 to Schock Contracting Corporation as the low bidder to install an upgraded firewater system in Marina One.

Action: Approved the recommendation (June 17, 2008, report from the Waterfront Director).

7. Subject: Right-Of-Way Certifications For Federally Funded Transportation Projects (670.05)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing and Directing the Public Works Director to Execute Right-of-Way Certifications Required for Projects Administered by the State of California Department of Transportation (Caltrans), and Rescinding Resolution No. 99-042.

Action: Approved the recommendation; Resolution No. 08-047 (June 17, 2008, report from the Public Works Director; proposed resolution).

8. Subject: Notice Of Completion For Phase I Taxiway B Realignment, East Runway Improvements, And Runway 7-25 Relocation (560.04)

Recommendation: That Council accept the work completed by Granite Construction, Contract No. 22,403, for the Santa Barbara Airport Phase I Taxiway B Realignment, East Runway Improvements, and Runway 7-25 Relocation, Bid No. 3430, in the final contract amount of \$13,616,521.89, including approved changes, and approve filing of a Notice of Completion.

Action: Approved the recommendation (June 17, 2008, report from the Public Works Director).

9. Subject: Approval Of Map And Execution Of Agreements For 116 East Yanonali Street (640.08)

Recommendation: That Council approve and authorize the City Administrator to execute and record Final Map No. 20,756 for a one-lot mixed-use residential and commercial condominium subdivision, finding the Final Map in conformance with the State Subdivision Map Act, the City's Subdivision Ordinance, the Tentative Subdivision Map, and other standard agreements relating to the approved subdivision; and authorize the City Engineer to record a removal document for the Land Development Agreement when the public improvements are complete.

Action: Approved the recommendation; Agreement Nos. 22,841 – 22,843 (June 17, 2008, report from the Public Works Director).

NOTICES

10. The City Clerk has on Thursday, June 12, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.
11. Received a letter of resignation from Mosquito and Vector Management District Board Member David Pritchett; the vacancy will be part of a future City Advisory Group recruitment.

This concluded the Consent Calendar.

REPORT FROM THE ORDINANCE COMMITTEE

Ordinance Committee Chair Das Williams reported that the Committee met to consider a proposed Social Host ordinance. The Committee approved and forwarded the ordinance to the Council for introduction and subsequent adoption.

REPORT FROM THE FINANCE COMMITTEE

Finance Committee Chair Roger Horton reported that the Committee met to evaluate options to upgrade the Police Department Locker Room. The Committee approved an option with an identified source of funding; this option will be submitted to the Council for its consideration next week.

Councilmembers Horton and House stated they would not participate in the following item due to their ownership of or residence at property situated in or near the assessment district's boundaries, and they left the meeting at 2:24 p.m.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS

12. Subject: Renewal Of Levy For Fiscal Year 2008-09 And Increase In Levy By Consumer Price Index For The Wildland Fire Suppression Assessment District (290.00)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Declaring Its Intention to Continue Vegetation Road Clearance, Implementation of a Defensible Space Inspection and Assistance Program, and Implementation of a Vegetation Management Program Within the Foothill and Extreme Foothill Zones; Declaring the Work to be of More Than General or Ordinary Benefit and Describing the District to be Assessed to Pay the Costs and Expenses Thereof; Approving the Engineer's Report; Confirming Diagram and Assessment; and Ordering Levy of the Wildland Fire Suppression Assessment District for Fiscal Year 2008-09.

Documents:

- June 17, 2008, report from the Fire Chief.
- Proposed Resolution.
- Engineer's Report for the Wildland Fire Suppression Assessment, dated May 2008.
- Affidavit of Publication.

The title of the resolution was read.

Speakers:

Staff: Fire Marshal Joe Poire.

Councilmember Falcone left the meeting at 2:30 p.m.

Motion:

Councilmembers Williams/Schneider to approve the recommendation; Resolution No. 08-048.

Vote:

Unanimous roll call vote (Absent: Councilmembers Falcone, Horton, House).

Councilmembers Falcone and House returned to the meeting at 2:32 p.m.

PUBLIC COMMENT

Speakers: Claudia Bratton, Summer Solstice Celebration.

PUBLIC HEARINGS

13. Subject: Public Hearing Regarding Proposed Utility Rates Increases (230.05)

Recommendation: That Council:

- A. Hold a public hearing, as required by Proposition 218, regarding proposed utility rate increases for water, wastewater, and solid waste collection services for Fiscal Year 2009; and
- B. Consider the recommendation of the Water Commission regarding water rates and allotments for agricultural irrigation customers.

Documents:

- June 17, 2008, report from the Public Works Director.
- April 10, 2008, letter from Earl Stanfield.
- April 14, 2008, letter from Louis Wooldridge.
- Undated letter from Elizabeth Young, received April 16, 2008.
- April 21, 2008, letter from Jo Ellen Tropper.
- April 22, 2008, letter from Jeanette Nadeau.
- May 29, 2008, letter from Marguerite Hecht.
- June 1, 2008, letter from Kathryn McLain.
- June 2, 2008, letter from Regine Astier.
- June 9, 2008, letters from Joseph Lackerdas, Penni Frederickson.
- June 16, 2008, letter from Robert Perko.

Public Comment Opened:
2:36 p.m.

Speakers:

- Staff: Acting Water Resources Manager Rebecca Bjork, Water Resources Supervisor Bill Ferguson, City Administrator James Armstrong.
- Member of the Public: Phil Walker.

Councilmember Horton returned to the meeting at 2:42 p.m.

Public Comment Closed:
3:02 p.m.

Motion:

Councilmembers Williams/Horton to approve the recommendation of the Water Commission regarding water rates and allotments for agricultural irrigation customers, and direct Staff to revise the proposed Fiscal Year 2009 rate resolutions accordingly.

Vote:

Unanimous voice vote.

CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS (CONT'D)

CITY ADMINISTRATOR

14. Subject: City Council Committee On Homeless Services And Neighborhood Impacts (660.04)

Recommendation: That Council establish a Council Committee comprised of three Councilmembers to study a range of issues related to homeless services and neighborhood impacts and, with input from community members, make recommendations to the Council on strategies to address the issues.

Documents:

June 17, 2008, report from the City Administrator.

Speakers:

Staff: City Administrator James Armstrong.

Motion:

Councilmembers Horton/House to establish the proposed Council Committee, to be comprised of Councilmembers Falcone, Francisco and Schneider.

Vote:

Unanimous voice vote.

POLICE DEPARTMENT

15. Subject: Committee On Legislation Report Regarding Alcohol Impact Areas (520.04)

Recommendation: That Council:

- A. As requested by the Committee on Legislation, receive a report from the Police Department regarding Alcohol Impact Areas; and
- B. Provide direction to the Police Department on next steps if any.

Documents:

June 17, 2008, report from the Chief of Police.

Speakers:

- Staff: Police Lieutenant Alex Altavilla.
- Members of the Public: Nancy McCradie, Linda Miller.

(Cont'd)

15. (Cont'd)

Motion:

Councilmembers Falcone/Schneider to forward the concept of Alcohol Impact Areas to the new Council Committee regarding homeless services and neighborhood impacts, and direct Staff to invite representatives from State Assemblymember Nava's office and the State Alcohol Beverage Control Board to participate in Committee discussions about the concept.

Vote:

Unanimous voice vote.

COUNCILMEMBER COMMITTEE ASSIGNMENT REPORTS

Information:

- Councilmember Francisco commented on the production of "Hello Dolly" staged by La Cumbre Middle School.
- Councilmember Schneider reported that the Santa Barbara Metropolitan Transit District Board met this morning to discuss the following issues: 1) Highway 101 improvements between Milpas Street and Hot Springs Road; 2) UCSB's Long Range Development Plan and corresponding circulation; and 3) a possible MTD fare increase due to rising fuel prices.
- Councilmember House remarked on his attendance at the dedication of the Franklin School mural and a Built Green event held by the Santa Barbara Contractors Association at Santa Barbara City College.
- Councilmember Horton mentioned his speech at a Livable Cities conference regarding Santa Barbara's responses to youth issues.
- Councilmember Falcone commented on the status of the State budget and proposals to resolve its \$15.2 billion deficit.
- Councilmember Williams reported on the resolution of the "pesticide exchange" issue, and he also mentioned Council's attendance at the memorial service for Father Virgil.

RECESS

The Mayor recessed the meeting at 3:57 p.m. in order for the Council to reconvene in closed session for Agenda Item Nos. 16 and 17, and she stated there would be no reportable action taken during the closed sessions.

CLOSED SESSIONS

16. Subject: Conference With Real Property Negotiators - Acquisition Of Properties, Haley/De La Vina Bridge Replacement Project (330.03)

Recommendation: That Council hold a closed session to consider instructions to Public Works staff and the City Attorney regarding real property negotiations to acquire certain property and easements concerning the following: 1) The property commonly known as 430 De La Vina Street, Santa Barbara County Assessor's Parcel Number 037-203-021; 2) The property commonly known as 513 De La Vina Street, Santa Barbara County Assessor's Parcel Number 037-161-032; and 3) The property occupied by a portion of the Mission Creek floodway fronting the 500 block of De La Vina Street, shown together with Santa Barbara County Assessor's Parcel Number 037-161-032. City Negotiators: Christine F. Andersen, Public Works Director; Don Irelan, Senior Real Property Agent; and Stephen P. Wiley, City Attorney, on behalf of the City of Santa Barbara, pursuant to the authority of Government Code Section 54956.8. Negotiating Parties: David G. Flint (430 De La Vina Street); Joyce M. Eggers (513 De La Vina Street); and Arthur O. Norton or assigns (Mission Creek floodway, 500 Block De La Vina Street). Under Negotiation: Price and terms of property acquisitions.

Scheduling: Duration, 30 minutes; anytime

Report: None anticipated

Documents:

June 17, 2008, report from the Public Works Director.

Time:

4:00 p.m. - 4:45 p.m.

No report made.

17. Subject: Conference With Legal Counsel - Pending Litigation (160.03)

Recommendation: That Council hold a closed session to consider pending litigation pursuant to subsection (a) of section 54956.9 of the Government Code and take appropriate action as needed. The pending litigation is Ampersand Publishing, LLC, v. City Of Santa Barbara; Santa Barbara Transportation And Circulation Committee, et al., SBSC Number 1266463.

Scheduling: Duration, 15 minutes; anytime

Report: None anticipated

Documents:

June 17, 2008, report from the City Attorney.

(Cont'd)

17. (Cont'd)

Time:

4:45 p.m. - 5:05 p.m.

No settlement approved.

RECESS

5:05 p.m. - 6:00 p.m.

Mayor Blum presiding.

Councilmembers present: Falcone, Francisco, Horton, House, Schneider, Williams, Mayor Blum.

Councilmembers absent: None.

Staff present: City Administrator Armstrong, City Attorney Wiley, Deputy City Clerk Tschech.

PUBLIC COMMENT

No one wished to speak.

MAYOR AND COUNCIL REPORTS

18. Subject: Interviews For City Advisory Groups (140.05)

Recommendation: That Council interview applicants to City Advisory Groups.

Speakers:

The following applicants were interviewed:

Downtown Parking Committee:

John R. Whitehurst

Historic Landmarks Commission:

Michael Drury

Housing Authority Commission:

Michelle V.N. Speciale

Mary Johnston de-León

Rental Housing Mediation Task Force:

Scott Wexler

Appointments to the advisory groups will be made at the Council's meeting of July 1, 2008.

PUBLIC HEARINGS

19. Subject: Annexation Of 900-1100 Las Positas Road And Adoption Of The Veronica Meadows Specific Plan And Associated Approvals; And Appeal Of The Planning Commission Certification Of The Environmental Impact Report For The Veronica Meadows Specific Plan (640.07)

Recommendation: That Council:

- A. Deny the appeal of Wittwer & Parkin, LLP, attorney for Citizens Planning Association and Santa Barbara Urban Creeks Council, and uphold the Planning Commission certification of the Environmental Impact Report for the Veronica Meadows Specific Plan;
- B. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Certifying the Environmental Impact Report, Adopting the Mitigation Monitoring And Reporting Program, And Adopting Findings Of Fact And A Statement Of Overriding Consideration For The Veronica Meadows Project (Veronica Meadows Specific Plan) (MST99-00608);
- C. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Initiating the Annexation of the Veronica Meadows Specific Plan Area to the City of Santa Barbara. An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- D. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Tax Exchange Agreement With The County Of Santa Barbara Pertaining To An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- E. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A General Plan Amendment And A Local Coastal Plan Amendment For An Application Of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- F. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Lot Line Adjustment For An Application of Peak Las Positas Partners, 900-1100 Block of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- G. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Coastal Development Permit For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);
- H. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving A Public Street Waiver And Tentative Subdivision Map For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608);

(Cont'd)

19. (Cont'd)

- I. Adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Making Certain Findings Under Santa Barbara City Charter Section 520 For An Application of Peak Las Positas Partners, 900-1100 Block Of Las Positas Road (Veronica Meadows Specific Plan) (MST99-00608); and
- J. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Rezoning Certain Property And Adopting A Zoning Code Amendment For The Veronica Meadows Specific Plan Area.

Documents:

- June 17, 2008, report from the Community Development Director.
- Proposed Resolutions and Ordinance.
- Final Revised Environmental Impact Report (Selected Chapters) for the Veronica Meadows Specific Plan, dated May 2008.
- Affidavit of Publication.
- June 16, 2008, letter from William Parkin, Attorney representing the Appellants.
- June 12, 2008, letter from Steven Amerikaner, Attorney representing the Applicant.
- May 9, 2008, letter from the National Oceanic and Atmospheric Administration, submitted by the Applicant's Attorney.
- June 17, 2008, letter from South Coast Habitat Restoration, submitted by the Applicant's Attorney.
- June 11, 2008, letter from the Braemar Ranch Homeowners Association.
- June 16, 2008, letter from Ridge Baccash.

The titles of the resolutions and ordinance were read.

Public Comment Opened:

6:17 p.m.

Speakers:

- Staff: Project Planner Allison De Busk, Senior Planner Debra Andaloro, Principal Transportation Planner Rob Dayton, Assistant Parks and Recreation Director Jill Zachary, Senior Planner Jan Hubbell, City Attorney Stephen Wiley, Parks and Recreation Director Nancy Rapp.
- Appellant: Attorney Marc Chytilo, Environmental Defense Center; Naomi Kovacs, Citizens Planning Association; Eddie Harris, Santa Barbara Urban Creeks Council.
- Applicant: Attorney Steven Amerikaner, Mitch Swanson.

(Cont'd)

19. (Cont'd)

Recess: 7:47 p.m. - 7:58 p.m.

Speakers (Cont'd):

- Members of the Public: Betty Shumaker; William Ringer; Andrew Seybold; Gary Shumaker; Ken Sterling; Eric Ryan; Tom Bortolazzo; Tom Ceasar; Penny Collins; Daniel McCarter; Dennis Peterson; Ridge Baccash, Braemar Ranch Homeowners Association; Tony Mancuso; Elaine Bowie; Judith Hauer; Brian Trautwein; Carleton Magoun; Juliana Bramlage Kayda; Gil Barry; David Pritchett.

Public Comment Closed:
9:48 p.m.

Motion:

Councilmembers House/Horton to approve the recommendations, adopt Resolution Nos. 08-049 - 08-056, and direct Staff to add subparagraph 'o' to Condition of Approval I.6 regarding the design of the Creek Stabilization and Restoration Plan.

Vote:

Majority roll call vote (Noes: Councilmembers Schneider, Williams).

ADJOURNMENT

Mayor Blum adjourned the meeting at 10:01 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC
CITY CLERK SERVICES MANAGER

_____	ATTEST: _____
MARTY BLUM MAYOR	SUSAN TSCHECH, CMC DEPUTY CITY CLERK